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April 2, 2021

Floyd, et al. v. City of New York, 08-CV-1034 (AT)  
Ligon, et al. v. City of New York, et al., 12-CV-2274 (AT)  
Davis, et al. v. City of New York, et al., 10-CV-0699 (AT)

Dear Judge Torres:

We are counsel to the Monitor, Peter L. Zimroth, and respectfully write in response to the recent letter from the City of New York (the “City”) regarding the order we proposed for the above-captioned matters that clarifies the duties of the City and New York City Police Department (“NYPD”) to provide the Monitor with access to information sources.

On March 24, 2021, we filed that draft order (the “Access Order”), which requires the City and NYPD to provide “timely, complete, and direct” access to two categories of information sources: (1) NYPD documents, communications, notes, recordings, and data, and (2) NYPD personnel, facilities, trainings, meetings, and reviews. Ex. 1 to Letter from Benjamin Gruenstein, *Floyd v. City of New York*, No. 08-cv-1034 (AT), ECF No. 818-1, at 2 (S.D.N.Y. Mar. 24, 2021). Although the Access Order requires the Monitor to provide “reasonable notice” of requests for access to the

first category of information sources, it does not require the Monitor to provide notice of requests for access to the second. *Id.* On March 29, 2021, the City filed a letter requesting modification of the Access Order so that it would require the Monitor to provide notice of requests for access to the second category. Letter from James E. Johnson, *Floyd v. City of New York*, No. 08-cv-1034 (AT), ECF No. 825, at 2 (S.D.N.Y. Mar. 29, 2021).

The City contends that this proposed notice requirement would make the Access Order “more internally consistent,” “help facilitate the City’s compliance with [the] Monitor’s requests”, and “promote [a] collaborative relationship” between the City and Monitor. *Id.* But the City’s letter is a further illustration that it misunderstands the nature of this monitorship, which operates pursuant to Court order. The notice requirement would impair the Monitor team’s ability to conduct unannounced audits of NYPD activities, should they find it useful to perform such audits in the future (as other monitorships have).

Accordingly, the Monitor respectfully requests that this Court enter the Access Order in the form in which it was originally filed.

Respectfully submitted,

*/s/ Benjamin Gruenstein*

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BY ECF